NOES—24.

1.	Mr. I. C. Chacko	12.	Mr. S. C. H. Robinson
2.	,, R. Dhanakoti Pillai	13.	,, J. Stephenson
3.	,, K. George	14.	,, A. J. Van Ross.
4.	Dr. N. Kunjan Pillai	15.	,, N. Nilakanta Pillai
5.	Mr. K. Narayanan Pandalay	16.	,, V. Subba Aiyar
6.	,, K. V. Natesa Aiyar	17.	,, K. C. Mammen Mappillai
7.	,, Kayalam Parameswaran Pillai	18.	,, C. P. Thomas
		19.	,, C. P. Tarakan
8.	,, W. H. Pitt	20.	,, Piravipermmal Pillai
9	Mrs. M. Poonen Lukose	21.	,, Habeeb Mal[illegible]d
10.	Mr. T. P. Ramasubba Aiyar	22.	,, J. B. Cook
11.	Rao Bahadur K. V. Ranga-swami Aiyangar	23.	,, S. Gnana Joshua
		24.	,, X. G. Lopez.

NEUTRALS—2.

1. Mr. N. V. Joseph 2. Mr. A. J. John

The resolution was declared lost, 19 voting *for* and 24 *against*.

LEGISLATION.

The Civil Procedure Code Amending Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Sir, I move that the Civil Procedure Code Amendign Bill be taken up and move that it be passed at once.

MR. K. GEORGE (*Financial Secretary to Government*) I second it.

The motion was put to vote and carried.

The Limitation Regulation Amending Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Sir, I move that the Limitation Regulation Amending Bill be taken up and move that it be passed at once.

MR. K. GEORGE (*Financial Secretary to Government*): I second it.

The motion was put to vote and carried.

DEMAND FOR SUPPLEMENTARY GRANT.

DEMAND IX—ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Sir, I rise to move for an additional grant not exceeding Rs. 20,000 under Demand IX—Administration of Justice, for bettering the condition of the short-term and under-trial prisoners. I am aware that this is not included in the statement of business for this day. But, as it is an urgent matter and as the Council is to disperse this evening, I hope the Council will excuse the demand being made even to-day.

MR. N. KUMARAN (*Nominated*): May I know what the demand is for?

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PRESIDENT : The demand is for Rs. [illegible] for immediate use for ameliorating the condition of under-trial and [illegible]-term prisoners. I trust the Council will excuse the want of previous notice.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : The condition of the short-term and under-trial prisoners has been the subject of much criticism in this House, even in this session itself. It was Mr. A. K. Pillai who brought it into prominent notice during this session. Mr. Pitt, who was in charge of the Police grant, during the debate on which Mr. A. K. Pillai made the criticism, felt the force of Mr. A. K. Pillai's observations in regard to these short-term and under-trial prisoners. I believe, it was also stated that it was due to want of funds that proper arrangements could not be made in regard to them. Subsequently, it has been brought to the notice of Government that something may be done in this matter even now.

One hardship pointed out in regard to these prisoners is that they are being housed in police stations. That cannot be avoided at present. The question of housing them in proper buildings can be taken up only in course of time, when the requisite buildings can be made available. There is, however, the complaint that they are not being clothed or even fed properly. That is a matter which, Government feel, can be looked into at once if sufficient funds are available. The matter has been considered by Government, and they have come to the conclusion that it is advisable to move for an additional grant for the purpose in this session itself. I hope the House will be glad to know what Mr. Pitt has had to say in the matter; because it is in the police lock-ups that these persons are now housed.

It is a very long letter, and so, I will give the substance of it. Mr. Pitt also agrees in the view that these prisoners are not treated as well as they might be. Therefore, he suggests that money be allotted for clothing them properly, for giving them bedding, for bathing them and for giving them adequate food, etc. As I said, Mr. Pitt is in charge—

MR. W. H. PITT (*Commissioner of Police*) : Sir, I do not think I am in charge of these prisoners.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*) : I do not say that he is in charge of the prisoners. I was saying only that, at present, these prisoners are being housed in Police Stations which are in Mr. Pitt's charge and that therefore he has had occasion to know their condition better than anybody else. Therefore, it was he who brought to the notice of Government the urgent necessity for this additional expenditure. The money is asked for under Administration of Justice; because, in law, these prisoners are in the custody of Magistrates. I hope the House will accept the demand with pleasure.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Nedumangad*) : May I know the amount that was previously sanctioned for this purpose?

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MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): No amount has been specifically sanctioned at all for this purpose. There is a sum of Rs. 22,000, sanctioned under "Batta to prisoners" which is intended to cover the feeding of these prisoners. There is no other provision for these prisoners.

MR. K. MADHAVAN PILLAI (*Trivandrum cum Neduvangad*): Then, does it properly come under Supplementary Grant?

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes, the sum of Rs. 7·02 lakhs has been sanctioned under Demand IX—Administration of Justice. I now ask for an additional grant of Rs. 20,000 under that Demand.

MR. N. KUMARAN (*Nominated*): May I know how this figure was arrived at?

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): The figure was arrived at on a rough calculation of the number of under-trial and short-term prisoners that we have now and that may be expected to come up next year.

MR. A. K. PILLAI (*Karunagapalli*): May I know under whose custody these prisoners are going to be?

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): In law, they are in the custody of Magistrates, though they are housed in Police Stations.

MR. A. K. PILLAI (*Karunagapalli*): As a matter of fact?

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Till we are in a position to construct new buildings, these prisoners will continue to be housed, as at present, in the lock-ups.

MR. A. K. PILLAI (*Karunagapalli*): After this supplementary demand for Rs. 20,000 is sanctioned, are they to continue in the custody of the police, or, are they to be housed in separate jails?

PRESIDENT: The amount is intended simply for making provision for clothing, bedding, better feeding etc., necessary for the under-trial prisoners.

MR. A. K. PILLAI (*Karunagapalli*): Is this motion open to discussion?

PRESIDENT: Yes.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I rise to a point of order. Under the rules, an estimate shall be presented to the Council for supplementary or additional grant when—

(1) the amount voted in the budget for a grant for which the vote of the Council is necessary, is found to be insufficient for the purpose of the current year;

(2) a need arises during the current year for expenditure for which the vote of the Council is necessary upon some new service not contemplated in the budget for that year.

Is the sum of Rs. 20,000 now demanded for use in the current year? I believe that it is not and that it is for the next year.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I am aware of that provision. That is not exhaustive of additional grants. That rule does not say that any other estimate shall

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not be presented. I may refer to Section [illegible] and (6) of the Legislative Council Regulation. Section 16 (6) says [illegible] subject to certain exceptions with which we are not now concerned.

"the proposals of Our Government for the appropriation of revenue or moneys, shall be submitted to the vote of the Council in the form of demands for grants."

I am therefore submitting this demand for the vote of the House.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Is it a supplementary or additional grant?

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I have called it an additional grant. But I have no objection to call it by any name. It is enough to say that it is a demand coming under the Section.

PRESIDENT: You may call it a *special* grant.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Yes, the House may call it a special grant.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It must come under the rules.

PRESIDENT: A demand does not cease to be a demand if it is called supplementary or additional or special grant.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It raises a question of principle, and I just wanted to bring it to the notice of the Council. If my friend puts it under any other section than the section referring to additional or supplementary grants, it may be considered.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I already said that my demand will come under Section 16 of the Regulation. Rule 53 of the Council Rules, no doubt, says that a supplementary or additional grant may be moved for when

"the amount voted in the budget for a grant for which the vote of the Council is necessary is found to be insufficient for the purpose of the current year."

But it does not say that a supplementary or additional grant shall not be moved or made for any other purpose. In other words, that rule does not say that a supplementary or additional grant can be moved for or made, *only* for a current year, and cannot be made for the coming year. Further, there is the express provision already referred to by me, and that provision says that a proposal for appropriation of revenue or moneys shall be submitted to the House. That is Section 16 (5) and (6) of the Legislative Council Regulation. Rule 53 does not and cannot over-ride the express provision of the Regulation.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): In regard to demands for supplementary or additional grants, the rules are specific. If there is no rule whatever, then I can understand the Law Member's interpretation.

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): I said I have no objection to call it a special grant.

MR. P. K. NARAYANA PILLAI (*Ambalavazhay*): Would it not be better to put off this demand till the next year?

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PRESIDENT: It means that the reform cannot be made till at least October next.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Quilon*): The grant now demanded is for clothing, bedding etc., for under-trial prisoners. A certain amount has been sanctioned in the budget and that may be utilised for these matters; and then when it is found insufficient, a supplementary demand may be brought in the course of next year.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): We may have it in the Tulam meeting.

MR. T. P. RAMASUBBA AIYAR (*Secretary to Government*): What will happen if the House does not sanction it at that meeting?

MR. KAYALAM PARAMESVARAN PILLAI (*Ag. Additional Head Sirkar Vakil*): Then the prisoners may have no food either.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha*): Government is at liberty to certify.

MR. A. K. PILLAI (*Karunagapalli*): May I know if the funds now allotted are not adequate till October?

PRESIDENT: If the House is averse from proceeding with the matter, the demand will not be proceeded with. I suppose that the House realises that this means that the condition of these under-trial prisoners will continue in the state to which Mr. A. K. Pillai drew poignant attention the other day. The motion will therefore be dropped.

MR. A. K. PILLAI (*Karunagapalli*): That is not the suggestion made on this side of the House.

PRESIDENT: Members of the Council, our session has come to an end. I suppose you all know that all interpellations not answered and resolutions not discussed have lapsed and require renewal.

The session is now prorogued.

The Council was prorogued at 5-32 P. M.

T. P. RAMASUBBA AIYAR,
Secretary to the Legislative Council.

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